

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ROBERT H. BARNETT,

Petitioner,

v.

CIVIL ACTION NO. 5:18-cv-00279

WARDEN DAVID L. YOUNG,

Respondent.

MEMORANDUM OPINION AND ORDER

On February 8, 2018, the Petitioner, proceeding *pro se*, filed an *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus By a Person in State or Federal Custody* (Document 1). Subsequently, on February 22, 2018, the Petitioner filed a motion for a “prohibitory injunction” seeking to preclude the BOP from transferring him to another correctional facility (Document 6).

By *Standing Order* (Document 4) entered on February 12, 2018, this action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On June 21, 2018, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 17) wherein it is recommended that this Court deny the Petitioner’s motion for a “prohibitory injunction” (Document 6). Objections to the Magistrate Judge’s *Proposed Findings and Recommendation* were due by July 9, 2018.


Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petitioner's motion for a "prohibitory injunction" (Document 6) be **DENIED**.

This action remains referred to the Magistrate Eifert for further proceedings.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: July 12, 2018


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA